



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,611	12/26/2001	Manabu Isomura	011735	4482

23850 7590 05/19/2006

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,611

Applicant(s)

ISOMURA ET AL.

Examiner

Douglas B. Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/2006 has been entered.

Response to Amendment

2. The applicant's amendment features claim language that is ambiguous and somewhat confusing. Rejections based on 35 U.S.C. section 112 are presented below. For examination purposes, the Examiner assumes the invention to be a service discovery protocol server for allowing devices that use differing service discovery protocols to access service information stored in a common database featuring a common database format with the devices communicating with the service discovery protocol server via protocol specific handlers.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "each SDP handler operates in its inherent SDP" (page 8, line 6 of applicant's

Art Unit: 2142

specification), does not reasonably provide enablement for “first and second handler means for handling said first and second service discovery protocols”. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to carry out the invention commensurate in scope with these claims. Specifically, each service discovery protocol handler is disclosed as handling one specific protocol however the language of claim 1 implies that the either the first or second handler means is capable of handling both a first or second protocol.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "using a first service discovery protocol, to discover a service information using a second service discovery protocol" in the preamble of the claim. There is insufficient antecedent basis for this limitation in the claim because the apparatus is “using a first discovery protocol” so it is unclear how the apparatus is then “using a second service discovery protocol different from said first service discovery protocol”. This claim language can be interpreted as being contradictory. It is suggested that the claim be amended to read, “an apparatus using a first service discovery protocol, to discover service information *of a service that uses* a second service discovery protocol different from said first service discovery protocol”.

Art Unit: 2142

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the first limitation of the claims does not make it clear what is “written in a common format”. In other words, as currently written, the claim implies that “distinct service discovery protocols” are “written in a common format”, creating a contradiction since distinct protocols would have different formats. It is suggested that the claim be amended to point out that the service information in the common database is what is intended to be “written in a common format”.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication Number 2001/0003191 by Kovacs et al..

11. As to claim 1, Kovacs teaches a service discovery protocol server (the gateway server in paragraph 0056) for allowing an apparatus using a first service discovery protocol, to discover service information of a service that uses a second service discovery protocol different from said first service discovery protocol, said server comprising: a common database for storing service

Art Unit: 2142

information that is written in a common format, the service information defined by a plurality of different and distinct service discovery protocols (paragraphs 0060-0070); first and second handler means for handling said first and second service discovery protocols, each of said handlers including a conversion means for converting service information between a format used in each the first and second service discovery protocols and the common format, respectively (paragraphs 0060-0070); wherein said conversion means only converts if the service information is not in the same format as that contained in the common database (paragraphs 0060-0070).

12. As to claim 2, Kovacs teaches the server as claimed in claim 1, wherein said service information is defined for each service attribute, and wherein said conversion means converts said service information between one service attribute of said handler means and another service attribute of said common database, said one service attribute having the same semantic description as said another service attribute (paragraphs 0060-0070).

13. As to claim 4, Kovacs teaches the server as claimed in claim 1, wherein said handler means includes a service discovery protocol control means, a communication protocol control means and a communication means (paragraphs 0060-0070).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2142

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication Number 2001/0003191 by Kovacs et al..

16. As to claim 3, Kovacs teaches the server as claimed in claim 2, including a service discovery protocol handler name (col. 4, lines 43-59); however, Kovacs does not explicitly teach a service name, a vender name, and a location.

The applicant admits in the Background of the invention that such attributes are well known service attributes provided by appliances (page 2 of specification, end of first paragraph).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kovacs regarding a means for handling services with the attributes of a service name, a vendor name, and a location because such attributes are commonly provided by appliances.

Response to Arguments

17. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

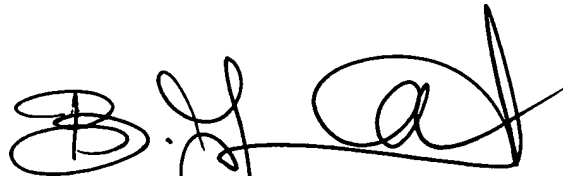
Art Unit: 2142

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER